

SECTION 2D.0800 COMPLEX SOURCES

.0801 PURPOSE AND SCOPE

(a) The purpose of this Section is to set forth requirements of the Commission relating to construction or modification of a transportation facility, which may result in an ambient air quality standard being exceeded.

(b) For purposes of this Section any transportation facility that was under construction, or was subject of a contract for construction, prior to November 15, 1973 shall not be considered to be a new air pollution source.

(c) Approval to construct or modify a transportation facility shall not relieve any owner or developer of the transportation facility of the responsibility to comply with the state control strategy and all local and state regulations which are part of the Mecklenburg County Portion of the North Carolina State Implementation Plan for Air Quality.

History Note: Statutory Authority G. S. 143-215.3(a)(1); 143-215.109;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1984; December 1, 1976.

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.0802 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Construction" means any activity following land clearing or grading that engages in a program of construction specifically designed for a transportation facility in preparation for the fabrication, erection or installation of the building components which are a part the transportation facility, e.g. curbing, footings, conduit, paving, etc.
- (2) "Modify" or "modification" means to alter or change the facility resulting in an increase on parking capacity as defined in Rule .0805 if this Section or the number of aircraft operation from an airport as defined in Rule .0804 of this Section.
- (3) "Owner or developer" means any person who owns, leases, develops, or controls a transportation facility.
- (4) "Transportation facility" means a complex source as defined in G.S. 143-213 (22) which is subject to the requirements of this Section.

History Note: Statutory Authority G. S. 143-215.3(a)(1); 143-215.109;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1984.

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.0803 HIGHWAY PROJECTS

Environmental assessments regarding highway projects shall be reviewed in accordance with the National Environmental Policy Act and the North Carolina Environmental Policy Act. If there is no assessment, or if an assessment shows that there may be a problem in complying with an ambient air quality standard, or if the environmental impact assessment fails to show that the highway project will not result in violations of applicable portions of the control strategy, and will not interfere with attainment or maintenance of a national standard, then the following regulatory provisions shall apply:

- (1) A person shall not construct or modify any highway if that highway will result in a contravention of ambient air quality standards;
- (2) Before constructing or modification of any highway with an expected maximum traffic volume of 2,000 vehicles per hour or more within 10 years, a person shall apply for and have received a permit as described in 15A NCAC 2Q .0600 and shall comply with any terms and conditions therein.

History Note: Statutory Authority G. S. 143-215.3(a)(1); 143-215.109;
Eff. February 1, 1976;
Amended Eff. July 1, 1984.

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.0804 AIRPORT FACILITIES

(a) This Rule does not apply to military airfields.

(b) Before constructing or modifying any airport facility designed to have at least 100,000 annual aircraft operations, or at least 45 peak-hour aircraft operations (one operation equals one takeoff, or one landing), the owner or developer of the airport facility shall apply and have received a permit as described in 15A NCAC 2Q .0600, and shall comply with all terms and conditions therein.

History Note: Statutory Authority G. S. 143-215.3(a)(1); 143-215.109;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1996; July 1, 1994; July 1, 1984.

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.0805 PARKING FACILITIES

(a) The owner or developer of a transportation facility shall not construct or modify a parking area or associated buildings until he has applied for and received a Permit under 15A NCAC 2Q .0600 where the parking area is for:

- (1) construction of a new or expansion of an existing parking lot or combination of parking lots resulting in a parking capacity of at least 450,000 square feet (1500 spaces at 300 square feet per stall);
- (2) modification of an existing parking lot or combination of parking lots with a parking capacity of at least 1500 spaces that will be expanded by at least 500 spaces beyond the last permitted number of spaces;
- (3) construction of a new or expansion of an existing parking deck or garage resulting in a parking capacity of at least 750 spaces or a potential parking area of at least 225,000 square feet (750 spaces at 300 square feet per stall);
- (4) modification of an existing parking deck or garage with a parking capacity of at least 750 spaces that will be expanded by at least 250 spaces beyond the last permitted number of spaces;
- (5) construction of a new or expansion of an existing combination of parking lots, decks, and garages resulting in a parking capacity of at least 1000 spaces or a potential parking area of at least 300,000 square feet; or
- (6) modification of an existing combination of parking lots, decks, and garages with a parking capacity of at least 1000 spaces that will be expanded by at least 500 spaces beyond the last permitted number of spaces.

(b) New or modified parking lots, decks, or garages with a parking capacity of 500 or more spaces and existing or proposed parking facilities that:

- (1) are indirectly adjacent to each other and the combined parking capacities are greater than those defined in Paragraph (a) of this Rule, and
- (2) use the same public roads or traffic network

shall be considered one lot or deck. Transportation facilities are considered to be directly adjacent if they are within 100 meters of each other in a suburban or rural area or 50 meters of each other in an urban area and if there are no existing physical barriers, such as, buildings or terrain.

(c) Temporary barriers shall not be used to reduce the capacity of an otherwise affected transportation facility to less than the amount which requires permitting. The design and plan shall clearly show the total parking capacity.

(d) Phased construction shall be evaluated and permitted for a period not to exceed five years from the date of application.

History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a Period of 180 Days or
 Until the Permanent Rule is Effective, Whichever is Sooner;
 Statutory Authority G.S. 143-215.3(a)(1); 143-215.109;
 Eff. July 1, 1994;
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.0806 AMBIENT MONITORING AND MODELING ANALYSIS

(a) The Director may require the owner or developer of a transportation facility subject to the requirements of this Section to conduct ambient air quality monitoring if dispersion modeling, traffic analysis, or other ambient air quality monitoring data indicates that there is a potential for the ambient air quality standard for carbon monoxide to be exceeded. If ambient air quality monitoring is required, the permit shall specify the duration of such monitoring.

(b) The Director may require the owner or developer of a transportation facility subject to the requirements of this Section to perform dispersion modeling analyses to predict the impact of proposed construction or modification of a transportation facility on ambient air quality if ambient air quality monitoring, traffic analysis, or other dispersion modeling analysis indicates that there is a potential for the ambient air quality standard for carbon monoxide to be exceeded.

History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a Period of 180 Days or
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